UNITED NATIONS **S**

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S/1995/194
10 March 1995

ORIGINAL: ENGLISH

LETTER DATED 9 MARCH 1995 FROM THE PERMANENT REPRESENTATIVE OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon instructions from my Government, I have the honour to bring to your attention the following instances of violations by Iraq of the terms of the cease-fire between the two countries.

1. On 7 January 1995, at 1350 hours, several Iraqis clad in shepherds' clothing accompanying a herd of cattle started from the north of Seh-Tapan sentry post, proceeding along Kangagoush river and penetrating into the territory of the Islamic Republic of Iran near border pillar 46. When confronted with the Iranian border police at the geographic coordinates of NC 39400-60750 on the map of Naftshahr, they began firing, which resulted in the martyrdom of an Iranian soldier named Gholampour Moradi, son of Hojjatollah. The Iraqis fled into Iraqi territory afterwards.

2. On 8 January 1995, at 1900 hours, a number of Iraqi smugglers engaged in an armed conflict with the border police of the Islamic Republic of Iran at a distance of two kilometres south-west from Tang-Hammam sentry post. As a result of this clash, one smuggler named Farhad Faraj Ahmad was killed and a Kalashnikov as well as some ammunition remained behind.

It would be highly appreciated if this letter were circulated as a document of the Security Council.

(Signed) Kamal KHARRAZI
Ambassador
Permanent Representative

95-06881 (E) 100395 130395

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LETTER DATED 9 MARCH 1995 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to the letter sent to you by the Permanent Representative of Kuwait dated 6 March 1995 and circulated as document S/1995/184. On instructions from my Government, I should like to make it clear that this letter contains allegations unsubstantiated by the facts, which are intended to mislead the members of the Security Council and deflect the Council from the proper legal application of the provisions of the resolutions adopted concerning the situation between Iraq and Kuwait. These accusations will be dealt with individually below.

I. Missing persons

Firstly, it should be noted that the Kuwaiti letter still refers to what it calls "prisoners and hostages", while the minutes of the tripartite committee, which includes among its members Iraq, Kuwait, France, the United Kingdom and the United States of America and which operates under the auspices of the International Committee of the Red Cross, confirm that the question is that of "missing persons", since the operation to repatriate prisoners came to an end in 1991. It should be pointed out that all the above-mentioned minutes were signed by every member of the tripartite committee, including Kuwait.

The Kuwaiti letter alleges that Iraqi participation in the meetings of the tripartite committee was proforma and intended to evade responsibility and waste time in order to get through the current stage of the sanctions issue. This allegation is in radical conflict with the texts of the reports of the tripartite committee and its technical subcommittee, which make it absolutely clear that Iraq is completely serious about observing its legal, humanitarian and moral responsibilities in this field, and that the competent Iraqi authorities have dealt with many of the missing persons' dossiers within the context of the circumstances and data relating to the matter.

While emphasizing these responsibilities, the Government of my country would like to draw attention to the fact that the minutes of the last meeting of

the technical committee for missing persons, held at Geneva on 23 and 24 February 1995, indisputably mention requesting additional information from Kuwait in order to facilitate the search for missing persons with which most of the meeting's agenda items were concerned. It has become well known that the Kuwaiti side continues to politicize the matter at the expense of peaceful joint working methods, which has been confirmed more than once in the discussions of the tripartite committee. The Kuwaiti motive for this behaviour is not hidden from anyone, since it is to exploit the matter in order to maintain the sanctions against Iraq. This is incompatible with the humanitarian aspects of the issue, the purposes of Security Council resolutions and the essence of the customary international norms for the settlement of problems involving missing persons.

II. Return of property

The claims made in the Kuwaiti letter in this respect are also unsubstantiated by the facts, since the Iraqi Government is committed to applying the provisions of the relevant Security Council resolutions. On this basis, Iraq has returned large amounts of Kuwaiti property, as witnessed by the report of the Secretary-General contained in document S/1994/243. Most recently, the competent Iraqi authorities concerned made a careful examination of the Kuwaiti list contained in document S/1995/39 and informed the Secretariat that the necessary steps would be taken to return any property discovered as a result of the previous investigation (Iraqi letter dated 27 February 1995, circulated as a Security Council document).

It is surprising that the Kuwaiti letter should allege that Iraq has yet to discharge its obligations with regard to the United Nations Compensation Fund, when everyone is aware that the discharge of those obligations is linked to the lifting of the embargo on Iraqi petroleum exports and that the Kuwaiti authorities' every effort is devoted to preventing the lifting of the embargo.

It is also surprising that the Kuwaiti letter calls on Iraq to implement Security Council resolutions 706 (1991) and 712 (1991), despite the fact that this matter does not concern the Government of Kuwait, which proves the tendentious political motivation of Kuwaiti activities and the Kuwaiti letter.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

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IDENTICAL LETTERS DATED 9 MARCH 1995 FROM THE PERMANENT REPRESENTATIVE OF AZERBAIJAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL AND THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to inform you that, notwithstanding the recent cease-fire violations by the armed forces of the Republic of Armenia, which we reported to the Security Council (S/1995/182), the Azerbaijani side reaffirms its pledge to observe the cease-fire and its commitment to a political settlement of the Armenian-Azerbaijani conflict.

The Azerbaijan Republic's approach to a settlement of the conflict is based on the generally accepted international norms of respect for the sovereignty and territorial integrity of States and for human rights and the rights of national minorities.

Unfortunately, owing to the fact that the Armenian side has continued to maintain its destructive position and has refused to discuss the question of liberating the occupied Azerbaijani territories, including the Lachin and Shusha districts, there has been no progress in the talks being held within the framework of the Minsk process.

We have also drawn attention to the question of the liberation of Lachin and Shusha, which must and can be resolved within the framework of a political agreement on the settlement of the conflict, in 1993 (S/26556).

It will be recalled that the section of the Budapest Document entitled "Intensification of CSCE action in relation to the Nagorno-Karabakh conflict" (A/49/800-S/1994/1435) notes that the conclusion of the aforementioned agreement will make it possible to deploy multinational peace-keeping forces of this European organization as an essential element for the implementation of the agreement itself.

As a token of its flexibility and a constructive approach, the Azerbaijani side proposed that this agreement should include a paragraph stating that the parties to the conflict, with the assistance of the peace-keeping forces of the Organization for Security and Cooperation in Europe (OSCE) and under their supervision, would guarantee safe passage along the Hankendi/Stepanakert-Shusha-

Lachin-Goris road. Further, while the Lachin road and district remained under the control of the OSCE forces, armed forces would be completely withdrawn from Lachin district. (OSCE military control would be maintained for the duration of the Minsk Conference.) Finally, the return of displaced persons to Lachin district would begin on a set date.

This proposal was transmitted by the Minister for Foreign Affairs of Azerbaijan, Mr. H. Hassanov, to the representatives of the co-chairmen of the Minsk Conference, Mr. V. Kazimirov and Mr. K. Bjorner, and to the representative of the United States of America to the Minsk Conference, Mr. G. Pressel, during their recent visits to the region.

Thus, Azerbaijan actively reaffirms its commitment to the principle of the peaceful settlement of disputes, and believes that the members of the international community, particularly the Minsk Conference, will support its constructive position.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Eldar G. KOULIEV
Permanent Representative

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LETTER DATED 9 MARCH 1995 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government and pursuant to the letter sent to you on 22 January 1995 (S/1995/69), I have the honour to inform you that United States warships anchored in the Gulf are continuing their acts of provocation against Iraqi vessels, both fishing boats and tankers carrying water and fuel. At 1330 hours, the United States warship bearing the number 33 inspected the Iraqi fishing vessel Bia, which was fishing in Iraqi territorial waters (nine miles south of the port of Al-Bakr). The Iraqi vessel was forced to approach to a distance of 500 yards of the United States vessel. Its crew was then asked to give information regarding the vessel's cargo, its length and speed, the number of containers, and so forth. On 2 February 1995, the United States warship bearing the number 40 carried out an identical operation. These acts confirm the hostile intentions of the United States Government against Iraq and demonstrate the persistence of United States provocations within Iraqi territorial waters which are aimed at supplying pretexts to justify such acts.

I request you to intervene, in accordance with the responsibilities entrusted to you under the Charter of the United Nations, so that such unwarranted acts, which constitute an impediment to peace, security and stability in the region, may be halted.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Permanent Representative

95-06907 (E) 100395 100395 130395

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LETTER DATED 12 MARCH 1995 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you that between 8 and 16 February 1995 the Iranian side continued its violations of the cease-fire provisions and the Tehran agreement concerning the area of separation between the two countries, as indicated in the annex.

I should be grateful if you would have this letter and its annex circulated as a Security Council document.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

95-07070 (E) 130395 130395 140395

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Annex

1. 8 February 1995

At 0820 hours, an observation post was installed at coordinates 518529 opposite the Fakkah guard post, then a new flag with green stripes was raised at the same point in the area of separation.

2. 11 February 1995

At 1100 hours, the Iranian side set up a defence position at coordinates 675154 and raised an Iranian flag.

3. 12 February 1995

At 0840 hours, a group of Iranians consisting of about 20 men installed barbed wire at coordinates 514501 opposite the Fakkah guard post inside the area of separation.

4. 14 February 1995

At 1700 hours, in the chief town of the Mandali district, artillery fire was heard coming from Iranian territory opposite Mandali. One of the shells fell inside Iraqi territory near the al-Hisad al-Akbar bridge.

5. 16 February 1995

At 0915 hours, the Iranian side positioned a 106 mm anti-tank cannon at the Iranian post opposite crossing No. 5, at geographic coordinates 909788 (Shalamjah).